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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2349 OF 2004

Ananda Dattatraya Patankar Petitioner
versus
Kishore Narayan Patil & ors. Respondents

Mr.Umesh Mankapure for petitioner.
Mr.Pratap Patil for respondent no.1.
Ms.Rashmi Parab i/by Singhania & Co. for R-3.

CORAM : A.S.OKA, J.

DATE : 06th March 2007

PC :

1. Heard learned advocates appearing for the parties. By this petition under Article 227 of the Constitution of India, the petitioner has challenged an order passed by the learned Member of the Motor Accident Claims Tribunal of attachment before judgement during pendency of a claim petition filed by the first respondent under the provisions of the Motor Vehicles Act, 1988. The learned advocate for the first respondent stated that his evidence has already been recorded and now the claim petition is pending for recording of evidence of the

opponents in the claim petition.

2. A perusal of the Farad Sheet shows that on 1st April 2004 the operation of the impugned order was stayed by this Court. Till today the said ad-interim order passed by this Court is operating.

3. Now, the claim petition is likely to be disposed of within a short period. Therefore this petition can conveniently be disposed of by directing that the order of stay granted by this Court will operate till final disposal of the claim petition subject to the condition that the petitioner will not create third party interests in respect of the properties which are subject matter of the attachment. Hence this writ petition is disposed of by passing following order.

4. ORDER :-

a) Ad-interim order granted by this Court on 1st April 2004 of staying the order of attachment will continue to operate till disposal of the claim petition subject to the condition that the petitioner will not create any third party rights

MST

in respect of the property which is subject matter of the attachment;

(b) The learned Member of the Tribunal will dispose of the claim petition as expeditiously as possible and preferably on or before the end of June 2007. Petition is disposed of accordingly.

(A.S.OKA, J.)